

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

DELBERT GLENN ROGERS,)	
)	
Plaintiff,)	
)	
v.)	
)	
MARSHA McLANE, <i>et al.</i> ,)	
)	
Defendants.)	Civil Action No. 5:22-CV-130-C-BQ

ORDER

Before the Court are the Findings, Conclusions, and Recommendation of the United States Magistrate Judge (filed June 30, 2023) therein advising the Court that it should: (1) strike Plaintiff's second motion for summary judgment (ECF No. 38); (2) deny as futile Plaintiff's motion to amend (ECF No. 37); and (3) dismiss Plaintiff's claims with prejudice in accordance with 28 U.S.C. § 1915(e)(2)(B).¹

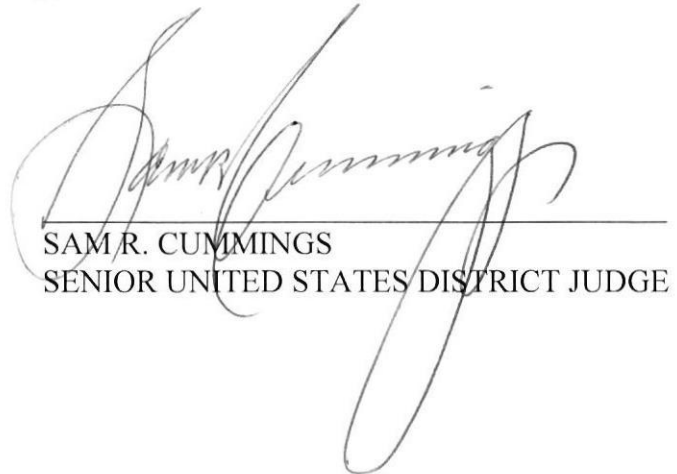
The Court conducts a *de novo* review of those portions of the Magistrate Judge's report or specified proposed findings or recommendations to which a timely objection is made. 28 U.S.C. § 636(b)(1)(C). Portions of the report or proposed findings or recommendations that are not the subject of a timely objection will be accepted by the Court unless they are clearly erroneous or contrary to law. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

The Court has conducted an independent review of the Magistrate Judge's findings and conclusions and finds no error. It is therefore **ORDERED** that the Findings, Conclusions, and

¹ Plaintiff failed to timely file any objections to the Magistrate Judge's Report and Recommendation, which were due within 14 days from the filing of the Report and Recommendation.

Recommendation are hereby **ADOPTED** as the findings and conclusions of the Court. For the reasons stated therein: (1) Plaintiff's second motion for summary judgment (ECF No. 38) is **DENIED**; (2) Plaintiff's motion to amend (ECF No. 37) is **DENIED** as futile; and (3) Plaintiff's claims are **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915.

SO ORDERED this 19th day of July, 2023.



SAM R. CUMMINGS
SENIOR UNITED STATES DISTRICT JUDGE